

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

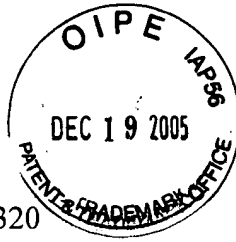
In re PATENT APPLICATION OF:

FORCILLO, John

Application Serial No.: 10/609,320

Application Filing Date: June 30, 2003

Title: **ADJUSTABLE STATIONARY EXERCISE
BICYCLE**



Confirmation No.: 7347

Attorney Docket: 2626-0003

Group Art Unit: 3764

Examiner: NGUYEN, Tam M.

Date: December 19, 2005

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The submission of any document herewith, which is not a statutory bar, is not intended that any such document constitutes prior art against any of the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference against the claims of the present application.

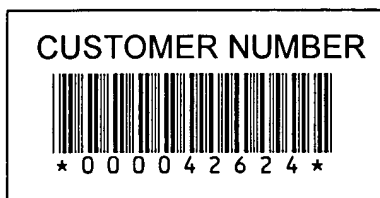
This Information Disclosure Statement is being filed more than three (3) months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart

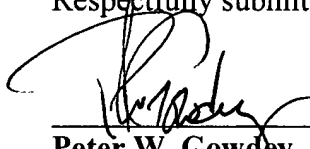
In re Application of: FORCILLO, John
Application S.N.: 10/609,320
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foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three (3) months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

Please credit or debit Deposit Account No. 501860 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.



Davidson Berquist Jackson & Gowdey LLP
4300 Wilson Boulevard; Suite 700
Arlington, VA 22203
Main: (703) 894-6400
FAX: (703) 894-6430

Respectfully submitted,

By: _____
Peter W. Gowdey
Registration No.: 25,872

¹Translation provided.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
FORM PTO-1449 (modified)

Sheet 3 of 7

Application No.	10/609,320
Filing Date	06-30-2003
First Named Inventor	Johnny Forcillo
Group Art Unit	3764
Examiner Name	Nguyen, Tam
Attorney Docket No.	2626-0003
Confirmation No.	7347

NON-PATENT REFERENCES

Examiner Initials*	Cite No.	Non-patent Reference bibliographic information, where available	T ¹
		"Body Bike Instructor Training School" Brochure. Exhibit 8	
		"Body Bike the Future Workout" Brochure. Exhibit 5	
		"Brunswick Corporation's Responses to Plaintiff's First Set of Interrogatories to Defendants" July 6, 2004. C04-00848L. Western District of Washington at Seattle. Exhibit 48	
		"Declaration of Brian G. Bodine in Support of Defendants' Motions for Summary Judgment" With Exhibits A-O. December 9, 2004. C04-848R. Western District of Washington at Seattle. Exhibit 31	
		"Declaration of John A. Knox in Opposition to Defendants' Motion for Partial Summary Judgment Based on Best Mode and Motion to Strike the Simenauer Report and Exclude His Testimony" January 3, 2005. C04-848JLR. Western District of Washington at Seattle. Exhibit 28	
		"Declaration of John A. Knox in Opposition to Defendants' Motion for Partial Summary Judgment of Unenforceability" December 27, 2004. C04-848JLR. Western District of Washington at Seattle. Exhibit 33	
		"Defendant Lemond Fitness, Inc.'s Third Interrogatories to Plaintiff (14-15) and Answers Thereto". October 24, 2004. C04-848JLR. Western District of Washington at Seattle. Exhibit 46	
		"Defendants' First Amended Counterclaims" May 6, 2004. C04-848L. Western District of Washington at Seattle. Exhibit 17	
		"Defendant's Initial Invalidity Contentions" from Case No. 2:04-cv-848JLR, Western District of Washington at Seattle. Exhibit 11	
		"Defendants' Initial Invalidity Contentions." August 11, 2004. C04-0848R. Western District of Washington at Seattle. Exhibit 25	

Examiner
Signature

Date
Considered

*Examiner: Initial if reference was considered, whether or not citation is in conformance with MPEP 609. Draw a line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

¹Translation provided.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT FORM PTO-1449 (modified)	Application No.	10/609,320
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Sheet 4 of 7

NON-PATENT REFERENCES			
Examiner Initials*	Cite No.	Non-patent Reference bibliographic information, where available	T ¹
		"Defendants Lemond Fitness, Inc. and Brunswick Corporation, Inc.'s Answer to Complaint for Patent Infringement and Counterclaims" Case no. 03-565-MJR. Southern District of Illinois, October 13, 2003. Exhibit 16	
		"Defendants' Motion for Partial Summary Judgment of Unenforceability of U.S. Patent Nos. 6612970 and 6669603" December 9, 2004. C04-848JLR. Western District of Washington at Seattle. Exhibit 30	
		"Defendants' Motion for Summary Judgment Based on Best Mode." Dec. 9, 2004. C04-848R. Western District of Washington at Seattle. Exhibit 26	
		"Defendants' Motion to Amend Counterclaims." June 8, 2004. C04-848L. Western District of Washington at Seattle. Exhibit 18	
		"Defendants' Second Amended Counterclaims." June 11, 2004. C04-848L. Western District of Washington at Seattle. Exhibit 20	
		"Defendants' Supplemental Invalidity Contentions" December 9, 2004. C04-0848R. Western District of Washington at Seattle. Exhibit 37	
		"Lemond Fitness Inc.'s Responses to Plaintiff's First Set of Interrogatories to Defendants" July 6, 2004. C04-0848L. Western District of Washington at Seattle. Exhibit 47	
		"Meet the Future Workout" Brochure. Exhibit 7	
		"Plaintiff John Forcillo's Complaint for Patent Infringement Against Lemond Fitness, Inc. and Brunswick Corporation, Inc." US District Court for the Southern District of Illinois. September 3, 2003. Exhibit 15	
		"Plaintiff's Answers to Defendants' First Set of Interrogatories (Nos. 1-10)". C04-00848L. Western District of Washington at Seattle. Exhibit 42	

Examiner Signature		Date Considered	
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Sheet 5 of 7

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Group Art Unit	3764
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Attorney Docket No.	2626-0003
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Examiner Initials*	Cite No.	Non-patent Reference bibliographic information, where available	T ¹
		"Plaintiff's Answers to Defendants' Second Set of Interrogatories (Nos. 11-13)". C04-00848L. Western District of Washington at Seattle. Exhibit 43	
		"Plaintiff's Motion for Partial Dismissal of Defendants' Counterclaims." July 23, 2004. C04-00848L. Western District of Washington at Seattle. Exhibit 21	
		"Plaintiff's Preliminary Infringement Contentions." July 7, 2004. C04-00848L. Western District of Washington at Seattle. Exhibit 24	
		"Plaintiff's Response to Defendants' Motion for Partial Summary Judgment Based on Best Mode." January 3, 2005. C04-848JLR Western District of Washington at Seattle. Exhibit 27	
		"Plaintiff's Response to Defendants' Motion for Partial Summary Judgment of Unenforceability of US Patent Nos. 6612970 and 6669603" December 27, 2004. C04-848JLR. Western District of Washington at Seattle. Exhibit 32	
		"Plaintiff's Response to Defendants' Motion to Amend Counterclaims." June 8, 2004. C04-00848L Western District of Washington at Seattle. Exhibit 19	
		"Plaintiff's Third [sic, Second] Set of Interrogatories (Nos. 11-21) [sic, Nos. 12-22] to Defendants and Responses of Lemond Fitness, Inc. Thereto" January 14, 2005. C04-848JLR. Western District of Washington at Seattle. Exhibit 44	
		"Reply Brief in Support of Plaintiff's Motion for Partial Dismissal of Defendants' Counterclaims." July 22, 2004. Western District of Washington at Seattle. Exhibit 23	
		"Reply in Support of Defendants' Motion for Partial Summary Judgment of Unenforceability of US Patent Nos. 6612970 and 6669603" November 16, 2004. C04-848JLR. Western District of Washington at Seattle. Exhibit 34	
		"Reply in Support of Defendants' Motion for Summary Judgment Based on Best Mode" January 6, 2004. C04-848JLR. Western District of Washington at Seattle. Exhibit 29	

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Sheet 6 of 7

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Examiner Initials*	Cite No.	Non-patent Reference bibliographic information, where available	T ¹
		"Response to Plaintiff's Motion for Partial Dismissal of Defendants' Counterclaims." July 19, 2004. C04-848L. Western District of Washington at Seattle. Exhibit 22	
		"The Body Bike 1997" Brochure. Exhibit 4	
		"The Continuing Development of the Fitness Bike-From in 1989 till the Latest Model 2000" Brochure. Exhibit 9	
		Advertisement from February 15, 1997 issue of Fitness Management. Exhibit 3	
		Cover of September 1997 Issue of "Idea Today". Exhibit 6	
		Declaration of John Forcillo, Case No. 2:04-cv-848JLR, Western District of Washington at Seattle. Exhibit 1	
		Deposition of John Forcillo Volumes I and II. November 30 - December 1, 2004. C04-848JLR. Western District of Washington at Seattle. Exhibit 40	
		Form PTO-1449 for New Reissue Application for Johnny Forcillo with Documents Cited. Exhibit 35	
		Notice of References Cited for Application No. 10/609,320: Forcillo Reexamination Patent. Exhibit 36	
		Official Docket Listing from Civil Action 2:04-cv-00848-JLR, Western District of Washington at Seattle. Exhibit 14	

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Sheet 7 of 7

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Examiner Initials*	Cite No.	Non-patent Reference bibliographic information, where available	T ¹
		Photographs Bearing Numbers A001055, A001056, A001070-1073. Exhibit 12	
		Photographs of Inner Parts of Original Body Bike numbered A001734-1740 and A001754-1762. Exhibit 2	
		September 2004 Document from www.Fitness-bike.com. Exhibit 10	

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